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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ABBOTT DIABETES CARE INC. and
ABBOTT LABORATORIES,

Plaintiffs,

vs.

ROCHE DIAGNOSTICS CORPORATION
and BAYER HEALTHCARE LLC

Defendants.

CASE NO. C05-3117 MJJ

**[AGREED ██████████]
CASE MANAGEMENT ORDER**

The Court, having considered the Joint Case Management Conference Statement filed by the parties in the above-captioned matter on August 21, 2006 and having considered the arguments presented by the parties at a hearing on August 31, 2006, hereby ORDERS:

1. Discovery Limits

a. Each party will serve no more than 25 interrogatories (including sub-parts) and 50 requests for admissions (excluding requests for admissions related exclusively to authenticity) on every other party. There will be no limitation on requests for production.

b. Plaintiffs combined and Defendants combined are limited to 20 depositions. Depositions taken pursuant to Fed. R. Civ. P. 30(b)(6) will be counted as one deposition per seven hours of deposition, rather than per deponent or per notice. Expert witness depositions will not count against these deposition limits.

c. If further interrogatories, requests for admissions, or depositions are required, the parties will be free to so stipulate or, as necessary, seek leave of Court for good cause shown to further extend these limits in the absence of a stipulation.

2. Case Schedule

a. The parties shall comply with the case schedule set forth in the table below:

Event	Deadline
Deadline for Plaintiffs to serve disclosure of all asserted claims, Amended Preliminary Infringement Contentions and accompanying documents	8/21/06
Case Management Conference	8/31/06
Deadline for Defendants to serve Amended Preliminary Invalidity Contentions and accompanying documents	9/15/06
Deadline for supplementing Rule 26 Disclosures	9/15/06
Deadline for parties to exchange Second Amended Proposed Terms and Claim Elements for Construction	9/22/06
Deadline for parties to exchange Second Amended Preliminary Claim Construction and Extrinsic Evidence	10/05/06
Deadline for parties to file Second Amended Joint Claim Construction and Pre-Hearing Statement	10/24/06
Deadline for parties to file opening briefs on claim construction	12/01/06
Deadline for parties to file responsive briefs on claim construction	12/20/06
Claim construction pre-hearing conference and tutorial (combined BD/Nova and Roche/Bayer)	1/17/07 at 10:00 a.m.
Claim construction hearing (combined - BD/Nova and Roche/Bayer)	1/18/07 at 9:00 a.m.
Status conference	2/20/07 at 2:00 p.m.

ENTERED this 26th day of September, 2006



The Honorable Martin J. Jenkins
United States District Judge